

RE: Disposition of Data

From: "Achimov, Donna (FINTRAC/CANAFE)" <donna.achimov@fintrac-canafe.gc.ca>
To: "Nguyen, Quynh (FINTRAC/CANAFE)" <quynh.nguyen@fintrac-canafe.gc.ca>, "Yong, Liz (FINTRAC/CANAFE)" <elizabeth.yong@fintrac-canafe.gc.ca>, "Dugger, Murray (FINTRAC/CANAFE)" <murray.dugger@fintrac-canafe.gc.ca>, "Bedard, Annie (FINTRAC/CANAFE)" <annie.bedard@fintrac-canafe.gc.ca>, *s.38 [REDACTED] s.38 [REDACTED]@fintrac-canafe.gc.ca>
Date: Mon, 28 Feb 2022 13:47:20 +0000

I concur as well. Thanks for coordinating this response Quynh

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From: Nguyen, Quynh (FINTRAC/CANAFE) <Quynh.Nguyen@fintrac-canafe.gc.ca>
Sent: February 28, 2022 8:36 AM
To: Yong, Liz (FINTRAC/CANAFE) <Elizabeth.Yong@fintrac-canafe.gc.ca>; Dugger, Murray (FINTRAC/CANAFE) <Murray.Dugger@fintrac-canafe.gc.ca>; Bedard, Annie (FINTRAC/CANAFE) <Annie.Bedard@fintrac-canafe.gc.ca>; * COMP - Management <s.38 [REDACTED]@fintrac-canafe.gc.ca>
Subject: RE: Disposition of Data

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Thanks for your input. I will remove the text in question. In normal circumstances, it would have been a clear answer for but in this case, I had read s.38 [REDACTED] email that there may be a need to retain them for an inquiry. However, I am sure Marie-Anne will chime in. Have a great week everyone!

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Q

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From: Yong, Liz (FINTRAC/CANAFE) <Elizabeth.Yong@fintrac-canafe.gc.ca>
Sent: February 28, 2022 6:44 AM
To: Dugger, Murray (FINTRAC/CANAFE) <Murray.Dugger@fintrac-canafe.gc.ca>; Bedard, Annie (FINTRAC/CANAFE) <Annie.Bedard@fintrac-canafe.gc.ca>; Nguyen, Quynh (FINTRAC/CANAFE) <Quynh.Nguyen@fintrac-canafe.gc.ca>; * s.38 [REDACTED]@fintrac-canafe.gc.ca>
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G'morning Colleagues.....I also agree that an audit specifically on recent activities is inevitable, and as such, we should delete the yellow text. That said, I admit my curiosity Solicitor-Client Priv. [REDACTED]

Solicitor-Client Priv. [REDACTED]

Solicitor-Client Priv. [REDACTED] Is that what we want to do to appease the OPC, well knowing that the "real regs" will show up around the corner at some point?

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Also for consideration,

LY

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From: Dugger, Murray (FINTRAC/CANAFE) <Murray.Dugger@fintrac-canafe.gc.ca>
Sent: February 27, 2022 11:02 PM
To: Bedard, Annie (FINTRAC/CANAFE) <Annie.Bedard@fintrac-canafe.gc.ca>; Nguyen, Quynh (FINTRAC/CANAFE) <Quynh.Nguyen@fintrac-canafe.gc.ca>; * s.38 [REDACTED] s.38 [REDACTED]@fintrac-canafe.gc.ca>
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Quynh *et al*,

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I tend to agree with Annie here. As another factor, when the OPC conducted their audit in 2008 (reported in 2009) they took issue with the "[Acquisition of Information that extends beyond legislative authority](#)". They actually went through some STRs and called out specific examples in their report as not meeting RGS in their eyes. (paras 49-51).

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I also strongly suspect they will look to audit reports filed during the emergency measures as part of our audit or a whole of government one during the period. I will note that OPC is definitely not my centre of expertise, I'm just serving as (imperfect) corporate memory here.

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For consideration,

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Murray

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From: Bedard, Annie (FINTRAC/CANAFE) <Annie.Bedard@fintrac-canafe.gc.ca>

Sent: February 27, 2022 12:58

To: Nguyen, Quynh (FINTRAC/CANAFE) <Quynh.Nguyen@fintrac-canafe.gc.ca>; *s.38
s.38 <s.38@fintrac-canafe.gc.ca>

Subject: RE: Disposition of Data

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Hello Quynh & colleagues,

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From a privacy perspective and according to our legislation, my position would be that STRs that have been submitted to FINTRAC, where it appears that the RGS ML or TF was not met, should be disposed of and not retained. I would therefore remove the highlighted text below.

Solicitor-Client Priv.

Thanks and have a good week,

Annie

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From: Nguyen, Quynh (FINTRAC/CANAFE) <Quynh.Nguyen@fintrac-canafe.gc.ca>

Sent: February 27, 2022 3:49 PM

To: *s.38 <s.38@fintrac-canafe.gc.ca>

Subject: FW: Disposition of Data

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Happy Monday to everyone! Hope you all had a fabulous weekend ☺.

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Before I provide the response below to s.38 I'd really appreciate everyone's review/input to make sure that I am on the right track and am not missing anything. I will also check this with our SMEs in RSU. Thank you for your help with this.

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Hello s.38

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I agree with you that REs determine the reasonable grounds for STR submission. Historically, the key point for us to consider with respect to the category of "not required to be reported to the Centre" is whether the RE has provided the reasonable grounds to suspect (RGS) ML/TF in Part G of the report. Therefore, as long as the relevant STRs have this information, I agree that an additional policy is not needed and the 10-year retention period applies.

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However, in the normal course of our activities, if we were to come across an STR that does not contain the RGS, then our normal policy requires that it be flagged for review, segregation and disposition where applicable. Compliance typically reviews and approves the reports flagged for segregation on a monthly basis. In this scenario, I guess there is a risk that STRs may be disposed of before the 10-year period.

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If there is a requirement or Centre-wide agreement that STRs related to the Convoy must be retained for purposes of an inquiry, regardless of whether RGS has been clearly articulated, then I think it's easy enough for us to not "approve" those specific reports for segregation.

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Marie-Anne may want to chime in further on this point from an OPC perspective.

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From: s.38 <[REDACTED]@fintrac-canafe.gc.ca>
Sent: February 25, 2022 11:11 PM
To: Nguyen, Quynh (FINTRAC/CANAFE) <Quynh.Nguyen@fintrac-canafe.gc.ca>
Cc: Bradford, Marie-Anne (FINTRAC/CANAFE) <Marie-Anne.Bradford@fintrac-canafe.gc.ca>; s.38 <[REDACTED]@fintrac-canafe.gc.ca>
Subject: Disposition of Data

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Bonjour Quynh,

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I've been told this is likely your area, so hoping you can help me.

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Annette asked me a question today about report disposition, and I wanted to reach to confirm with you on my statement. She was asking me about disposition of reports made in the context of the recent Convoy, in particular Suspicious Transactions Reports. She wanted to confirm that, in light of an upcoming inquiry, we would have in place a policy to retain such reports.

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I observed that an additional policy was likely unnecessary as STRs are made under the Section 7 of the PCMLTFA and given that reasonable grounds are determined by the reporting entity (and therefore can't be wrong, as that was their determination) they would have to be retained for a period of at least 10 years under Section 54(1)(e). As such, only monetary threshold reports submitted that don't meet their associated threshold are likely to fall in the category of "not required to be reported to the Centre under this Act" and would be destroyed as per 54(2). Therefore, the relevant STRs will be retained as regular business.

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Is this correct?

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Thanks!

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s.38

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Strategic Intelligence, Research and Analytics (SIRA) Unit
Financial Transactions and Reports Analysis Centre of Canada

s.38 <[REDACTED]@fintrac-canafe.gc.ca>

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L'Unité de renseignements stratégiques, recherche et analytique (RSRA)
Centre d'analyse des opérations et déclarations financières du Canada

s.38 <[REDACTED]@fintrac-canafe.gc.ca>

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